

Kitui County Assembly

THE HANSARD

First County Assembly – Second Session

Tuesday 29th October, 2014

The County Assembly met at 9.42 AM

(The Speaker {Hon. George Ndotto} in the Chamber)

PRAYERS

(The Mace is placed on the Table)

The Speaker (Hon. George Ndotto): Next Order

The Deputy County Assembly Clerk (Ms Lucy Waema): Order No. 1, Administration of Oath.

The Speaker: Next Order

The Deputy County Assembly Clerk: Order No. 2, Communication from the Chair.

The Speaker: Next order.

The Deputy County Assembly Clerk: Order No. 3, Messages.

The Speaker: Next order.

The Deputy County Assembly Clerk: Order No. 4, Petitions.

The Speaker: Next Order

The Deputy County Assembly Clerk: Order No. 5, Papers

The Speaker: Next order.

The Deputy County Assembly Clerk: Order No.6, Notices of Motions.

The Speaker: Next order.

The Deputy County Assembly Clerk: Order No.7, Statements

The Speaker: Next Order

The Deputy County Assembly Clerk: Order No.8 Motions and Bills- A motion on approval of committee report on the consideration of the Kitui County Finance Bill 2014, Assembly Bill No.13, 2014 (Chairperson committee on Budget and Appropriation)

The Speaker: Hon. Members, the Chairperson for the Budget and Appropriation Committee tabled his proposal yesterday and I gave you time to go and read the report so that you will be able to debate it today. So, I assume that you are ready to continue with the debate on the report now. This is how we will go about it; I will propose the question and then give you time to debate on the report. Thereafter I will put the question and from there we move to the Committee of the Whole House.

So far, I **haven't** received any request for amendment from any member. I therefore assume that you are satisfied with the report, so we will proceed. I will now want to propose the question. I propose the question that pursuant to the provisions of interim County Assembly Standing Order No. 130(2) this House approves the report of the committee on Budget and Appropriations on the consideration of the Kitui County Finance Bill 2014, Assembly Bill No.13, 2014.

Now, those who want to say something about the Bill, this is your time before we go to the committee of the whole house. Those who want to say something about the finance Bill.

(Hon Mwandia stood up in his place)

The Speaker: Hon Kilonzo. Ooohno..., hon Mwandia

Hon Mwandia(The Member for Ikutha ward): Thank you Mr Speaker.I first want to take this opportunity to appreciate the Budget and Appropriation committee led by the able Chairperson hon Anthony Muthui for the work they did.However, Mr Speaker, I want to point out a few issues on the report and especially the enforcement on revenue collection. It is true **Mr Speaker that...**

The Speaker: Order, Order! Now, officials from the executive need to hear what you intent to say because they are the ones who are going to implement the same but not hon Muthui.Where are they?

(The Speaker and his deputy consulted)

The Speaker: I am told they are aware but they have not arrived. **Let's continue** because what honMwandia is going to say;**it's** about what happened and they want it **corrected and it's not hon Muthui who is going to** do that.

Hon Mwandia (The Member for Ikutha ward): Yes.Thank you Mr Speaker and I beg to continue commenting on the issue of revenue collection. We have two departments; those who collect and those who enforce.

Mr Speaker, I **won't** forget to cite a case which happened recently in this town wherebyan officer was asking for sh 2,000 (two thousand) to allow a certain vehicle, a mini-bus at the local bus terminus to pick up passengers.

Mr Speaker, this was witnessed by not other than our able Chief Whip hon Ngava. Mr Speaker, according to the fees and charges, when a car is parked, it pays sh.40 Mr Speaker. When it is has been clamped Mr Speaker, the payment goes to sh.540 Mr Speaker. The other charge is sh5000 when a vehicle is tolled to a police station or to a County yard Mr Speaker.

Mr Speaker, I want also to know from the chairman of budget and appropriation committee, where is this charge of sh2000 indicated Mr Speaker? **Mr Speaker, I don't** want to mention names but we know those officers who are involved in this scandal Mr Speaker. Mr Speaker, I will not forget also in other markets...

The Speaker: Hon Mwandia, you have my permission if you want to name them.

Hon Mwandia: Mr Speaker, the incidence which occurred the other day, I think it was on Monday Mr Speaker, which was witnessed by honourable Ngava and I am sure that he is ready to advocate for this Mr Speaker. The team was headed by one Mr Kolite Mr Speaker Sir.

Mr Speaker, in other areas notably Ikutha market, we have traders suffering. The enforcement officers and also the revenue collectors, they do carry crates of sodas, crates of bears Mr Speaker, in the name of rent defaulters Mr Speaker. Mr Speaker, I am

wondering, do these officers have their mobile courts? **Mr Speaker we don't want our traders, the people whom we represent, to be mistreated.**

Mr Speaker, on the side of the fees charges, I have seen in the schedule a sack of 90kgs of Sukuma wiki will be cessed at sh20 and the same sack of 90kgs of Spinach, will go for sh50. Mr Speaker, can I also know from the Chair the rationale between the sacks of sukuma wiki as opposed to the same 90kgs of spinach.

Mr Speaker, I am an honourable member and as well as businessman. **Mr Speaker, we buy sand...**

(Hon Munuve stood on a point of information)

The Speaker: Order hon Mwandia, there is a point of order, do you want it?

Hon Mwandia: No. I beg to continue. Mr Speaker a three tonne truck of sand is locally sold at two thousandshillings. Mr Speaker, how come that cess is three thousand for the same 3 tonne truck and yet we know that any commodity is charged at the source. So it means that the sand for export and the sand for local use will also be charged at three thousand Mr Speaker. **I want to know from the Chair...**

(Hon Munuve stood on a point of information again)

The Speaker: Do you want it honourable Mwandia?

Hon Mwandia: No. Mr Speaker, I want the chair to explain to this house how or which criteria they have used to charge a 3 tonne truck of sand at three thousand, thank.

The Speaker: Very well, anybody else who wants to say something about the finance Bill?

(Hon Kauthi stood up in his place)

The Speaker: Hon Kauthi, you keep on moving, you normally sit here in front

(The Speaker Chuckles)

The Speaker: Go ahead.

Hon Kauthi(The Member for Tseikuru ward): Thank you Mr Speaker for giving me the opportunity. Mr Speaker for the first time today, I must support this **committee...**

(Foot thumping)

Hon Kauthi **You know earlier we had nicknamed the committee the "cash crop committee" Mr Speaker Sir, these people have done a very good job...**

(Hon Ngava stood up on a point of order)

The Speaker: There is a point of order hon Kauthi from hon Ngava.

Hon Ngava(The Member for Kyangwithya ward): Mr Speaker Sir, is it in order for the honourable member to address this house dressed in the way he has dressed?

The Speaker: Order!

Hon Kauthi: **Mr Speaker Sir...**

(Laughter)

Hon. Kauthi: **I think I am properly dressed...**

The Speaker: Honourable Kauthi.

Hon Kauthi: **I hope I am...**

The Speaker: Order honourable Kauthi, you escaped my eyes, you are improperly dressed. Can you leave the chamber and go and dress properly.

(Laughter and foot thumping as hon Kauthi left the Chamber)

The Speaker: You had escaped **my eyes, I didn't notice that one**, I am sorry you have to leave the chamber and dress properly and then come back. Now anybody else who wants to say something about the Bill or should we move to the committee of the whole house?

(Hon Mutua stood up in her palce)

The Speaker: Hon Jane Mutua

Hon Mutua (The Member for Kauwi ward): *Asanti mheshimiwa Spika. Nimesimamakupongezamotokeoyakamatilimbayo ilifanyakavizuri. Lakininikona mambo mawili amamatatuyakusema. Hayoni mambo yaukusanyaji wapesa. Mheshimiwa Spika, ukitazama wakati mwingi nenasikuzikipitayakukusanyapesa, wale watu wanatumwani wapipesahajakusanywa, ni wale Askariamba owanalinda, ndi owanaendakukusanyaushuru. Na huwanivigumusana Askari mwenye anaendakulinda, kwendakukusanyaushuruna alete pesa zenye amekusanya. Kwa hivyo hapotuna onakuna mambo mabayananatendekahuko.*

Kulikuwanatuki moja hukokabatiyakwambawana ulizanakwani Askari sikuhizindi owana okotapesakwasababuhatawaki angali awenyeamba ohawajalipa, hakunakituhuwainakujakwa Kaunti kwasababu wanakaahukowanamalizia hukokwasaba buhuwezishika mtunahunamtu ambaye atamkatia risiti Mheshimiwa Spika.

Tuki angalia upande uli mwingi nahi yoswalininge ielekeza sana upandewa Executive (Watendaji) ni yakwambazile pesa zinalipwa ambazozinaitwa cess (ada) uki angalia wale transporters

(wasafirishaji) wanatoka njewakitu lete avituzetunawanaku watayari wamekatia amawamel ipaushurukutokazile Kaunti zingine. Sharia ni yakwamba, uwezilipaces (ada) marambili. Kama umelipe upandewa Kaunti labdaya Machakoshu wezilipa upandehuumwingine.

Na ukinagalia traders (Wafanyibiashara) wenginewanakuwa harassed (wanasumbuliwa) yakwambanilazimawalipemarambilinailenajuaniyakwamba, MheshimiwaSpika sharia haisemihivyo.

TukiangaliaupandewaukusajiMheshimiwaSpikaninyakwamba, kuna wale wasaidiziambayewalikuwawakisaidiawakusanajiushuruwetu, naukiangalia Executive (watendaji) walipokuja, nikamawaliwatoawotenatunapotezapesanyingisanananikiguziaupandewanguwaKabati, kunasikunilitembeahaposokoninanicasitikiasanaKauntiyetuyakwambahakunawasaidizi, wamesemayakwamba wale watuambaowameajiriwandiowatafanyakazinaniwachachenahawawezeitosheleshakwend asokoninakutokanjempakailesokoyamifugo.

Niyakwambakunasikunililalamikiampakawaziriwafedhanikamuulizakamawames imamisha wale watotowetuwalikuwawameajiriwakibarua, lakiniilemzuriniyakwambamwalipeelfumojakwasikuamakwasokoamaileyamuhimunikup otezapesanyingi? Akanimbiawalikuwawameambiwanilazima kwanza wasimamishewatuwakibarua. Na nikamuulizanailepezatutapotezaitakuwaje, mtatoawapi?

YakwambaupandewanguhatawatuwanguwasokoyaKabatiwanafurahasanasikuhizi. Wan awaambiahata wale wanaletamifugowakisema, hatatunafurahiayakwambaushurusahihihatutoinahakunamtuwakutusukumatulipe. Kwa hivyotunapotezapesanyingikupitiaupandehuo.

MheshimiwaSpikahata, ukusanajiwaushuruna vile hatailisemekanahatakutokajuu, niyakwambaserikalizaKauntinikamaimellegeaupandewa ukusanajiwasuhuru. Na former Councils(barazazamani)ndiowalikuwawanakusanyapesanyingimpakaunauliza je, kwaniniinateremkanatayariwameajiriwatuwengi ? naukiwaulizaupandewawatekelezaji (Executive) wanasemahawanawafanyikazi. Unajiulizabadohawajawafukuzawenyewaliajiriwanama barazazamani (former councils) lakiniwanasemaushuruikochini.

MheshimiwaSpikanikiangaliaupandewasokoyakwanguKabati, kunamahalipesainapotelea. Kuna sokoilijengwahapo Na ikakamilikamwaka WA 2010, nampakawaleo, kunachooikohaponakunamtuanaisimamianahakunakituanalipampakakwaserikaliyaKa untisaa hii. Na ukiwaulizautasikiawafanyikaziwakisemahiyoitaletasiasa.Siasanaushuruzikonauhusiano ganiMheshimiwaSpika?

Kuna viosk(Vibanda) vikohapokama21 nabadozimefungwakwanziamwakawa 2010 nampakawaleohaijafunguliwanahiyoinapotezaushurunatungekuwatukipatapesakutoka upandehuo.

MheshimiwaSpikanikonaswali, yakwambanisisaamanisuhuruitakujakukusanywa? Na imefungwahatawaleohaijawahifunguliwanatunapotezapesakutokaupandehuo. Kwa

hivyohataingawanafurahia vile kamatiyaMheshimiwa Muthui imefanyakazimzuri, MheshimiwaSpika, nikonatwaswishipia naukusanyajiwapesakatikaKauntiyote, asante.

(Hon Munyoki stood up in his place)

The Speaker: Very well. From hon Mutua we go to hon Alex Mwendwa.

Hon Mwendwa: Thank you Mr Speaker Sir, I stand to support the motion or the Bill and Mr Speaker, as I support the Bill, I am in agreement with the committee that we have few challenges especially the lack of supportive legislation to the issue of staffing. All the challenges that I have named here, Mr Speaker, they are in accordance. I want to say that want honourable Hussein said, I witnessed the same cases here in town, which is not good, which this honourable house should not allow it to continue and we are here to make this law to function, once it goes through and Mr Speaker going to the issue of cess and especially this part of sand, I have observed something Mr Speaker and that is where I wanted to highlight a bit.

Mr Speaker this issue of sand, I think we had two categories, there was a category for local sand which is supposed to be used locally here and even in our homes or our villages and another category which was to go upcountry like in Nairobi and the rest.

Mr Speaker when I looked at this report, I saw up to 3 tonnes. Mr Speaker the committee recommended sh5 thousands even to the villages the small towns. I am **wondering I don't know whether** the people there at the village levels will be able to afford such charge which of course to me I can see it is too high Mr Speaker. **I don't know whether the chairman or the committee can highlight on this so that...**

(Hon Munuve stood up on a point of information)

The Speaker: Yes hon Munuve.

Hon Munuve: Thank you Mr Speaker Sir, I just want to highlight that cess is charged to anything going outside to our County and not within the County. Thank you **Mr Speaker Sir. So the sh5 thousands doesn't affect the locals. It is sand going outside our county, thank you.**

(Hon Mwandia stood up on a point of order)

The Speaker: Yes honMwandia.

Hon Mwandia: Mr Speaker is it in order for a *whole* honourable member of this noble House **Mr...**

The Speaker: Order! The whole honourable member, there is no honourable member called **whole...**

Hon Mwandia: I withdraw Mr Speaker, Mr Speaker, is it in order for the honourable member of this noble house to mislead people and yet we know by law cess is obtained from the source Mr Speaker. How will the people know which one is going out or which one is sold locally Mr Speaker?

The Speaker: Order! Order! Order! Order! There is a point of order which I have not disposed of, and perhaps I will give the chairman of the committee may be to say something **on that. That's a point of order directed to you honourable Muthui.**

Hon Muthui(The Member for Matinyani ward): Thank you very Much Mr Speaker for giving me this opportunity...

The Speaker: I think you are answering on behalf of hon. Munuve?

Hon Muthui: Correct, we are one and the same because we belong to the same committee.

The Speaker: Right.

Hon Muthui: Yes, I wanted to clarify that point of cess, the Bill has 2 categories of cess; cess for the local consumption and cess at the barrier when being exported to other Counties. When you look at the Bill, the actual Bill page 18, the 2 categories are clearly indicated there, that is there is cess for export and cess for local consumption like we have cess within the County up to 3 tonnes, and the Bill is proposing sh2000 for Kitui and Mwingi, sh2000 for Sub-County Headquarters and sh2000 for emerging towns. Then we have cess within the County over 3 tonnes. Up to 3 tonnes is sh1000 across board for local consumption.

So the amendments we are making in our report does not affect the local consumption, its cess for export when the sand is being transported to other Counties, thank you.

(Foot thumping)

The Speaker: Continue honourable Mwendwa.

Hon Mwendwa: Thank you Mr Speaker, for that clarity because it was **confusing**...

The Speaker: Although in reality what you are doing now should be done in the committee of the whole house, not at this time. This time is for making general comments like the way honourable Mwandia did, you know about the operation of the whole thing. For specifics like the one honourable Mwendwa is proposing is for the committee of the whole house, continue.

Hon Mwendwa: Thank you Mr Speaker Sir, in general I have said that the Bill is good we are ready to support it. Personally I am supporting it because when I go **through even the areas of a khart 'Muguuka'** Mr Speaker it has highlighted very well because we can see our young people who are getting lost in fishy businesses Mr Speaker. And really I can say that the Bill good and we are going to support it, thank you.

The Speaker: Right, can I now put the question so that we can go to the committee of the whole house?

(Hon Ngwele, Kilonzo and Nyamai stood up in their places)

The Speaker: Oh still hon Ngwele wants oh **no it's honourable Munuve who** wants to say something.

Hon Munuve(The Member for Kanziku ward): Thank you Mr Speaker Sir, being a member of the committee, I also want to support the Bill, the report which has been given by our chairman hon Anthony Muthui. Mr Speaker Sir, the issue of revenue, they are very old even in the Bible, the wealth King Solomon had part of it was revenue if you read Bible you can get that. In the times of Jesus Christ, we know he talked about what belongs to *Caesar* should be given to *Caesar* and eeh Jesus Christ.

(HonKinyala seeks to correct hon Munuve on pronunciation of the name Caesar)

Hon Munuve: Yesit is Cesar and not Caesar, sorry yeah, I am not a pastor. Thank you hon Mwove at one time you were a pastor.

The Speaker: Hon. Munuve, stick to the Bill my friend.

Hon Munuve: My point is what the committee deed is that it looked at what the public had suggested and we were keen on the local Mwananchi. If you see the recommendation they are actually touching the local Mwananchi and we were also keen on where as a County Government we can get revenue from. We also Mr Speaker Sir Bench marked with other Counties, if you see what was proposed by the Executive especially on taxation on for example the Banks we actually recommended on what was proposed so **as a committee we didn't increase taxation but we proposed** the avenues on how we can increase revenue without affecting the local Mwananchi, with that few I want to support the report, thank you Mr Speaker Sir.

(Hon Ngwele, Kilonzo and Nyamai stood up in their places again)

The Speaker: Hon. Ngwele.

Hon Ngwele: Yeah thank you very much Mr Speaker Sir I rise to support the report. First and foremost I want to congratulate committee on Budget and Appropriation for doing a very good job on this report and also congratulate the County department for Finance and Planning for the work that they have done over the last one year to try to both implement the previous finance Bill and also to develop this one. We know it was not very easy for that department to make for Transition from the former 4 local authorities to the new County dispensation. And really when we listen to them and as I went to the committee personally I was very angry with some of the things I had heard said at the public participation about how taxes were being collected and the kind of indiscipline that was with the tax collectors. But when I listened to them a committee I became very sympathetic with the difficulties that they had had to deal with in the processes of collecting taxes. One of which is captured in this report, inheriting a moribund systems from the 4 former local authorities. A huge number of casuals with little or no skills and very dilapidated vehicles not being able to move around and do tax inspection and things like that.

I also wish to note that there is a huge room for improvement and personally I was not convinced that that parliament has done enough to try to improve on the systems they found really today, nearly 2 years down the line. There is no reason why the County Government should use a manual receipting system knowing that as they do its open to fraud and **it's** open to manipulation. **Really we haven't seen enough** effort put in that respect to move away from the manual receipting system.

Mr Speaker the other thing that has been said the way the tax is being collected and we learnt from public participation and particularly in the area where I went in Kyuso for public participation, we heard the very inhumane way revenue officers are applying themselves collecting taxes and we hope that this honourable house is able to persuade the department to move away from those inhumane ways of collecting taxes and dealing with our people undignified and indecent manner.

Mr Speaker people need to be treated with a lot of respect. These are men and women who risk their wealth, who use their time to go and do businesses not just for their house but also for the County Government. And when you find that woman who

is selling porridge at Ngomeni market, we need to treat her with respect and dignity. Mr Speaker I hope the County department for revenue would be able to come up with dignified ways of collecting money from our people.

Mr Speaker I have 2 key concerns that I want to share with this honourable Assembly, and one which has been expressed very strongly by people in the places where we went for public participation, is the issue of services. Our people are feeling very bad that money is being collected from them daily, and when they look at the services that the County Government is providing, they see zero. The person who is paying sh50 for parking today in Kitui Town, or in Mwingi town or tomorrow market at Kasiluni market, the livestock trader who will pay sh30 for each goat bought there, and **that place doesn't even have a toilet**, a simple basic thing like a toilet, really Mr Speaker **we have to put a stop at this. We have demand of the County Government...**

The Speaker: Now honourable Ngwele, please sit-down, I feel very saddened what you are saying now, you are sharing it with other MCAs but there is nobody from the Executive to hear this. What is going on? I want to understand? Because **it's the Executive** who are supposed to be here to listen to the views of the MCAs and go and implement the sentiments expressed here. To improve the services, the collection of revenues, the services to wananchi but there is nobody here, is honourable Muthui going to do that? What is the problem? What is going on?

(Hon Kilonzo stood up in his place)

The Speaker: Hon. Kilonzo

Hon Kilonzo: Thank you Mr Speaker Sir, well we can call it a problem but Mr Speaker, I think we are extending just our hand for these guys to be here, when **unnecessarily they don't want to be here**. The mandate of this house Mr Speaker is for us to come up with what we think is correct for them to implement.

Mr Speaker, I know this has been the trend. If we encourage the trend of them being here to hear all the motions that we are going to do, they will pull us down, I will not be able to do as much. It will be the work of the committee concerned and the relevant chairperson of that committee to liaise with his people. At this juncture I want to say that honourable chairman for Budget and Appropriation, Honourable Muthui must have been in agreement with the Minister or the people concerned either for them to be here or not for them to be here.

So Mr Speaker we have **to continue, we do our mandate and if they don't implement** Mr Speaker we have the right channels of calling those people either at committee level or discuss with them in this house Mr Speaker. So Mr Speaker, we **should continue with our work. Mr Speaker I plead with you...**

The Speaker: Hon. Kilonzo you are right, we are going to continue. I am only very concerned. We are asking honourable Muthui to do what is not his business. All **over the world, when the finance Bill is being read, because it's the mother of all the problems** the Executive or the Minister, in fact in parliament the Minister for Finance is actually there present personally to listen, because in the Bill, you cannot put everything in it.

Most of things which worry people are said by members of parliament or members of the County Assembly. And that is why they should be here to listen, on top of what honourable Muthui is going to do, to tell ask them, have you done this? Have you done that? I am concerned about their absence and that cannot be replaced by anything else said by anybody. They should be here to listen, what honourable Ngwele is saying, the livestock traders, they pay something for selling or buying

something but there are no services whatsoever provided by the Executive to the traders, continue honourable Ngwele.

Hon Ngwele: Thank you very much Mr Speaker. I quite share your frustrations really you know the finance Bill is not is not Charcoal Bill or Villages Bill really we would have expected to have a full house the County department of Revenue here to listen to the sentiments of the members. Nevertheless we hope that our feelings will still be communicated to them.

So Mr Speaker I was on the issue of services that our people are very frustrated that they are paying money daily and are not getting services. We had a meeting on public participation in Kyuso market, right in the middle of Kyuso market. Inside a **very dust market that doesn't have a floor, that has no fencing**, and surrounded by garbage everywhere. Really when people ask why they are paying sh4000 to run a shop in that market, personally I was very ashamed and Mr Speaker I want to say that it is our turn as an Assembly to put our foot down and say that our people who are paying taxes must be given services.

Mr Speaker the other issue that I wanted to address myself to is the issue of loss of revenue. The report notes very sadly that a whole sh209 million that was targeted to be collected in the financial year 2013/2014 was not collected. In addition to the other reasons that are noted in the report, inefficiencies in the tax systems and of them and lack of staff and preference of money, a big part of the blame Mr Speaker comes to this Assembly. There are laws that we are supposed to have enacted to enable County departments to collect money from business people and either we have not received them or we have revived them and not done enough on them.

So Mr Speaker I want to call on this honourable Assembly and my colleagues to really pull up our socks and do our work and give the County Government this piece of legislation like the Alcoholic drinks control Bill so that they will have no excuse other than to collect that money.

Mr Speaker the other one is noted in the report that the County Government seems not to be in control of an Agency called KITWASCO. It is noted in this report that Kitui Water and Sewerage Company receive money from the County Government. I remember in the supplementary Budget there was a request of sh44 million subsidiary to KITWASCO. When you look at the revenue streams money that has come to the County Government, you will find zero contribution from the KITWASCO. Mr Speaker as an Assembly we need to ask ourselves, why we should fork out public money to the tune of sh44 million to a company that is not remitting anything to the County Government and it is not even supplying water.

Mr Speaker this town has been without water I don't know for how many weeks and we know and noted in this report that this is one of the most corrupt Institutions in this County. We have heard what is happening there, that most of the members of staff own the company that trains and do the contracts for that same company. That is why they are not able to balance their books, because every single pipe burst, they contract those jobs to themselves and they over pay themselves. That is why they are not able to balance their books that is why they break even.

Mr Speaker I want to urge this honourable house to come up with measures to make sure that companies like these are brought into compliance. Mr Speaker one of the things that we could demand is a special audit of that company by the County treasury, not just a financial audit but assisted audit to find out how many people they have employed there, what are their business practices, what kind of resources are they receiving from the national Government or the County Government, and how are they using that money. Mr Speaker, we would also demand that unless we have that

systems of audit report in front of us, **then in the next Budget we don't approve even a single Budget for that company.** Because we cannot be forking out sh40 to 50 Million of public money to companies that are not proving services and are not able to balance their books.

Finally Mr Speaker, I want to share the ambitions of our committee that we want to get work immediately after the approval of this Bill, to do research and analysis and support the County Department of Treasury to come up with most of the modern taxation systems in this Country so that our people can easily pay the money that is owing from them to the County Government and do this with dignity and predictability because taxation needs to be systematic, it needs to be reasonable, it needs to be predictable. With those few remarks Mr Speaker, I beg to support.

(Hon Kilonzo stood up in his place once more)

The Speaker: Hon. Kilonzo.

Hon Kilonzo: Thank you Mr Speaker for giving me a chance to comment on good work done by the committee on Budget and Appropriation headed by one honourable Muthui **and other chairmen's of other committees.**

Mr Speaker Sir, let me say this Bill is very logical and I want to support it with some reservations Mr Speaker.

Mr Speaker, I want to start with item number 32 which is clearly sand. When this committee sat down probably it had a very good idea of may be protecting our environment but we have protected the environment and forgotten to protect the people. Mr Speaker Sir I wanted to talk in regard to Athi ward. **I don't** want to go to any other ward; I want now to represent my people.

Mr Speaker, I am between two rivers; Athi River and Tiva River and the cess Mr Speaker, when you check for up to three tonnes, the big towns Mr Speaker they have been being charged sh2500 in the previous regime Mr Speaker and other areas have been sh3000 if that is what is depicted here. This Bill shows now we have gone for a flat rate of sh5000. I am just being worried about Mutua, Musyoki, those who are **getting their sand...**

The Speaker: Of course you are not referring to me, are you? Hon...

Hon Kilonzo: Aaaah

(Laughter)

The Speaker: Continue.

Hon Kilonzo: Mr Speaker Sir, my neighbour here am told his called Mutua, the one honourable Dan from Ikutha ward. Mr Speaker, this is hurting to the people who are doing building and those who are not doing commercial sand services. We are unable and let me particularise to Athi, we are unable to get sand from Athi River. So we have to get it from Tiva. Immediately after Kyandula there is a barrier which collects cess and when you move towards Athi around Muangeni... **no** Ndauni, there is another cess station for collecting cess. I am sure there will be no double taxation but Mr Speaker when we say up to three tonnes we pay sh5000, those people who are doing construction there Mr Speaker we have discouraged them...

The Speaker: Honourable Kilonzo, I think you came late and that is why you are repeating the same issues. This issue was raised by honourable Mwandia and I think it was clarified by honourable Munuve and the chairman of the committee. For the

benefit of doubt, I want to ask honourable Muthui to clarify that issue **so that we don't** have to beat a deadlock.

Hon Kilonzo: Let me finish Mr Speaker.

The Speaker: No, I have ordered honourable Muthui to clarify that issue. You **don't** order the Speaker honourable Kilonzo.

Hon Muthui: Thank you very much Mr Speaker Sir, I agree with you I think the honourable member came a little bit late because we had clarified this issue. The original Bill on page 18 has 2 categories of cess. There is cess for local consumption when our people are building within the County and there is cess when sand is being transported from our County to other Counties.

For the local consumptions Mr Speaker, the Bill is proposing up to three tonnes sh1000 across board. It applies to all the categories of towns. Then for over three tonnes, the Bill is proposing sh2000 across board. That is for local consumption. Now the amendment we are proposing in our report, the sh5000 is for the export. When the sand is leaving our County to other Counties like Nairobi, Mombasa, across other Counties.

So our report proposes sh5000 when the sand is leaving Kitui County for other Counties.

The Speaker: Are you comfortable with that honourable Kilonzo?

Hon Kilonzo: No Mr Speaker

The Speaker: Continue

Hon Kilonzo: Then Mr Speaker I have to ask the honourable Chairman, to liaise with the revenue collectors to remove the cess that exist in Kyandula and they take it to Makutano ma Ilengi. Then they pick the one which is at Ndauni and take it to Athi Bridge. Because those people who are collecting sand from Tiva River going to Kalivu where honourable Kinyumu is, they will be charged sh5000. And this fellow at this station will not be able to verify whether you are going to build or you are taking to Nairobi.

So I want to recommend to the honourable chairman for this one I agree, but those two station let them be removed from the middle of my ward to be taken to the periphery of the ward, where I boarder Kanyangi ward, let one of the cess station be taken there. Where I boarder Kikumbulyo ward in Makueni let the other cess station be taken there. So that my people can have peace. Every other time they are fetching this sand Mr Speaker they will be charged this new rates and this is one way of finishing me in my ward. I cannot agree with this cess unless something is done to that, Mr Speaker.

Mr Speaker let me also come to the greens. Athi ward is also known for production of greens. **I can't still understand the reasons why cabbages and somebody said 90kgs sack, I don't know who mentioned that, then you say the 90kgs sack of cabbages will be charged in other towns which I think Athi town is among them sh 40. Then Mr Speaker when you look at sukuma wiki, they say it is sh30, spinach they say it is sh50. Mr Speaker, I still don't** understand the rationale there...

The Speaker: Order! Honourable Kilonzo Order honourable Kilonzo. One of the rules of this house is to avoid repetition, it is in standing orders. I suspect we had discussed that issue with honourable Mwandia. Because exactly what you are raising it was raised by honourable Mwandia very effective and I think the best way is to allow you to raise it and then the chairman will take note of all issues raised and then we can recommend them at the end of the day instead of repeating it. Because honourable Mwandia said exactly what you have said.

Hon Kilonzo: Mr Speaker, he mentioned my cess station?

The Speaker: He mentioned that problem of sukuma wiki and what else?

Hon Kilonzo: My Cess station?

The Speaker: **What did you say sukuma wiki...**

Hon Kilonzo: Then he might be encroaching to my ward Mr Speaker, thank you.

The Speaker: Honourable Muthui I hope you are taking notes because I also see there seems to be a problem of the implementation of the sand tax. It could be misused by those guys and the disadvantage of the local Mutua as you call it. So I think you better take note on that very serious. Honourable Mutemi.

Hon Mutemi: Thank you Mr Speaker, for giving me this opportunity. Mr Speaker I think the issue of sand cess it lacks clarity in the sense when the report and the original Bill on page 18 it says a trip ,when it is not clear a trip from where to where. This will allow the enforcers indeed to do what they want with this kind of corruption. So Mr Speaker, it is very important for this Bill to be very specific.

Mr Speaker we have the same problem even with the enforcement and even the collection of taxes. Indeed in know and I have even seen some people being receipted **for something which is I thinks it's out of omission or commission or something of the** Bill not being very specific and clear to an extent of those who are enforcing will be encroaching and to an extent of violating the rights of our people. So Mr Speaker I would wish that matter to be very specific and clear such that enforcement will be very clear. The trip will be within the County, it is clear and for the export it is clear that this is for export. That will enable them to make the collection point to the right places.

Mr Speaker, still on the issue of on the original Bill is brim code 760 and this one is on the herbalist, traditional healers, traditional health services all that. That is under brim code760. Mr Speaker, we know these guys are fetching a lot of money but on this particular matter, it is not specific what is it all this for. Is it for me visiting the place? Or is it for the registration by the County Government? Or what is it? Only that **it is written traditional health services, herbalist, traditional healers, now what's for?** We need it to be very clear such that if **it's** me visiting them, or anybody visiting them, is the not the one paying or we may have a collection point close to where they are undertaking their businesses **and either this money collected from our people or isn't** made clear for the Government to register them to practice within the Kitui County. It needs to be made clear to an extent that the collection is clear because we have TIAJI and we have others we hear their services being advertised all over but still we need to know the costing or what is it taxed for.

Thank you Mr Speaker, those are some of the issues I wanted to raise for the clarity and to some other areas which are not clear, I think the chairman will take to his an undertaking to ensure they make it very clear such that **enforcement wouldn't** bring problems even over citing what is happening within this Bill when it comes to implementation. Thank you Mr Speaker.

(Hon Nyamai stood up again)

The Speaker: **Let's** hear hon. Nyamai.

Hon Nyamai (specially nominated): Thank you Mr Speaker Sir, I rise to thank the committee for what it has done to this Kitui County Government. **I say that I didn't** not rise only to thank them but also to exercise my pain what I am seeing the County Government started doing. I even what to know from the chair whether what they are doing is within what he knows. Whether it is within the last **year's** Budget or not.

Mr Speaker Sir, I want to say that they have tried to impose penalties to the pastors when they are holding the crusades. For example the last crusade we had four days of crusades there outside the market centre at bus station and they were being charged sh3000 per day. I wonder from the chair whether that is the figure that they have decided in the last year's budget. Because I am aware since colonial times, we have never had pastors being charged for holding crusades when they are preaching the word of God. If this is true, I beg that one to be scrapped and let the Pastors be licenced in the whole Kitui County. Let every Pastor who is opening a church be licenced, to pay licence per year but not be charged when they are holding crusades.

Again I remember when we had a public participation, there are things we said. We said if at all they are advertising their crusades with papers, they must be penalised for doing that. Because they are making the town to be dirty. Am I understood? So I am saying that Mr Speaker, they should not pay the tax daily, but they should be penalised when they make the town dirty by putting their posters all over the town.

That is the only comment that I had and if they are to pay the tax like other institutions, let them pay yearly. Thank you Mr Speaker.

The Speaker: Thank you honourable Nyamai, now I think we can move to the committee of the Whole House. Is it? I think now you can go to specifics. Honourable Muthui I didn't know that crusades are taxed. I think that's a very interesting one. I tend to agree with honourable Nyamai anybody doing the word of God should not be taxed. But that is not for me to say but anyway. I will put the question that the motion as propose be approved.

As many as are of that opinion say Ayes!

Majority of the Members: Ayes!

As many as are of the contrary opinion say Nay!

A few others: No!

The Speaker: The Ayes have it. Next order

The Deputy County Assembly Clerk: Order No 9- committee of the Whole County Assembly.

(The Members rise in their places and the Mace is placed in the lower bracket as the Speaker leaves the Chair to pave way for the Committee of the Whole House to be chaired by hon. Felix Kinuva a member of the Speaker's panel)

Chairman (Hon. Felix Kinuva): Hon members, we are in the committee of the whole assembly and as usual the rules are relaxed. You can consult as you contribute to this bill. Clerk, next.

Clerk: The Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014). The Chairperson-Budget and Appropriation Committee (Hon Muthui)

Hon. Muthui: Thank you very much Mr Chairman, the committee reviewed and considered the bill clause by clause and recommended the following amendments for introduction during the committee stage of the bill and that is where we are Mr Chairman. I now want to read all the amendments that the committee is proposing so that we can move forward.

The first amendment is on arrangement of clauses. In the bill the clauses had not been arranged accordingly. The first amendment that the committee proposes is to arrange these clauses. On part 1 of the preliminary, the committee proposes that clause 1 be inserted in the bill, that is the short title and commencement, clauses 2 also be inserted which talks about objects and purpose of the Act. Part 2 is on taxes fees and charges payable and rates applicable. On part 2 we have clause 3- Imposition, revision of taxes, rates, fees and charges. Clause 4- Directions, resolutions etc. made under provisions of local government Act. Then clause 5 talks about Repeal of public financial management Act, transitional and saving provisions.

Mr Chairman Part 3 of the bill talks about the penalties on outstanding rates where we are proposing insertion of clause 6- Penalties on outstanding rates for property tax, clause 7- Penalties on outstanding house rent and clause 8- Penalties on outstanding business permits.

Mr Chairman, part 4 is on miscellaneous provisions. In that part we have clause 9 which we want it be inserted in the bill and it talks about Measures to prevent non-remittance of collected revenue.

That Mr Chairman is just the alignment of the bill. Having done that Mr Chairman, I now wish to proceed to clauses with amendments.

Clause 2; that clause 2 be amended in the sub title **by inserting the word “the” in between the words “of and Act”**. Mr Chairman the only omitted word there is the definite article “the”. We want it inserted so that the sentence can make sense.

Clause 3 Mr Chairman, be amended by deleting the word “new” immediately before the word charges. Justification of those amendments is that the presence of this word “new charges” brings in a comparison of different charges from one period to another. The Bill as prepared have only a column schedule of charges proposed for this financial year.

Clause 4 Mr Chairman, be amended by deleting the word “new” immediately before the word charges. Justification is as explained above Mr Chairman.

Clause 5 be amended by replacing the word “financial” with finance. Justification is that the Act referred to is named public finance management Act but not financial management Act.

Clause 6 Mr Chairman, be amended by inserting words Article 210 of between the words to and the in the third sentence of clause 6 (3). Justification of that amendment Mr Chairman is that the recommended.....

*(Hon Muthui consulted the Procedural Clerk at-
the-Table)*

Hon Muthui: Thank you very much Mr Mulandi. Generally Mr Chairman, I am walking through all the amendments after which we will have an opportunity to handle clause by clause. I am just giving an overview of the amendments that we have proposed.

Clause 8 be amended by **inserting words “Article 210 of” between the words to and the in the third sentence of clause 8 (2)**. Justification is as explained above.

Clause 9 be amended by **inserting the word modern in between the words “of and technology”**. Justification Mr Chairman is that the word technology alone is very

general. The committee in its recommendations required modernization of revenue collection processes and activities

Schedule Mr Chairman; Categorization of the businesses in the Finance Act, 2014 tried to bring into one cluster all Towns with tentatively same economic strength. This Bill provides for further grouping which where Kitui and Mwingi Towns have been subdivided further to two streams and introduced new columns for all sub county headquarters and other emerging towns such as Tseikuru/Ikutha/Nguni/Kisasi/Mbitini/Nuu/Katse/Mutito and Kwa Vonza. The underlying factor to this classification being, the business potential and economic growth of the areas.

Mr Chairman, The Finance Act, 2014 did not vary much the tax and charges rate from what the defunct Local Authorities levied. The County considered that a lot of changes will not auger well with the business community and public in general as many changes had been ushered in by the new dispensation and this would throw our people into more confusion. This new Bill has proposed increments to charges levied from high and medium potential businesses but spared the small scale entrepreneurs especially the market operators. Mr Chairman, The County has engaged the process of commercialising mining and development of tourism industry to broaden its revenue base. This will reduce tax burden to the micro business operators (informal traders such like vendors) and at the same time ensure sufficient revenue for the County development.

The committee Mr chairman, recommended the schedule as prepared for adoption by the house with an exception of the following brims code items as put in the table below:

Mr Chairman if you allow me, I will read all the amendments proposes so that thereafter we can go clause by clause. Can I do that Mr Chairman?

Chairman (Hon. Felix Kinuva): I would advise that you skip that and then do the justification on the last page.

Hon. Anthony Muthui: Thank you very much Mr Chairman, under your guidance, we go to page 16 of the justification. I want to read the overall views that the committee had on the proposed amendments.

The committee had the following justification to the above changes recommended in the proposed charges in the fees schedule:

- (i) A serious public outcry on barter charges during public participation – the committee recommended reduction of the charges as shown above. It is true Mr. Chairman, there was huge public outcry especially on the barter trade, which is why the committee considered some reduction on the charges proposed in the bill.
- (ii) Charges on Miraa/Khat business was increased to discourage its consumption – the effects of this stuff has negatively affected the potential of our youth. Mr. Chairman it is true, during public participation, in fact the public wanted us to put a total ban on Miraa but since we are not able to do that, the only thing we could do is to increase the rates. And these rates proposed by the committee are the rates we were given by the members of the public.
- (iii) The county is blessed with a good range of minerals – the committee strongly recommends that mineral prospection should be developed, commercialized and preferred a commensurate charge. The county must build up its revenue base to enable a sustainable development. It is true Mr. Chairman this county

is endowed with minerals but a lot of our minerals leaves this county free with no cost. So we are proposing some charges so that as they do that, we can generate some income from that sector.

- (iv) Other charges for permits such as boutiques, bookshops, filling stations and accommodations were reduced by the committee. The percentage increase proposed in the Bill was very high and not justifiable. Business community had raised a lot of concern during public participation that there was no rationale in such increments. Mr. Chairman it is true, businesses like bookshops, with the introduction of free secondary and primary education, a lot of books are coming from the government so there is no business actually in this sector and therefore erecting high charges on them will be to discourage our people. Same with filling stations and boutiques. We want to encourage our people to come and even the outsiders to come and invest in this county.
- (v) The committee recommended that public institutions should be exempted from the payments of signboard fees. As a matter of fact Mr. Chairman, public institutions like our schools, the committee proposes that those sign boards for directions should not be charged because it makes no sense charging money on those items.
- (vi) Fines for smoking at public areas – the Committee recommended that this should be implemented subject to availability of designated smoking zones in public facilities.

Then Mr Chairman we have the long title, that the long title be adopted as printed. Clause 1 Mr Chairman, the committee proposes that it be adopted as printed. Those are the recommendations of the committee Mr chairman with an exception of the figures.

Chairman: Thank you. At this juncture, what I would now advise is that we move clause by clause. Clerk.

Clerk: We start with arrangement of clauses.

Hon. Anthony Muthui: Thank you very much Mr Chairman, I wish to move that the bill be amended by inserting the arrangement of clauses as follows;

Part one - Preliminary

Clauses

1. Short title and commencement
2. Objects and purpose of the Act

Parttwo – Taxes, Fees and Charges Payable and Rates Applicable

Clauses

3. Imposition, revision of taxes , rates, fees and charges
4. Directions, resolutions etc. made under provisions of local government Act.
5. Repeal of public financial management Act, transitional and saving provisions.

Partthree – Penalties on Outstanding Rates

Clauses

6. Penalties on outstanding rates for property tax
7. Penalties on outstanding house rent
8. Penalties on outstanding business permits

Partfour - Miscellaneous Provisions

Clauses

9. Measures to prevent non- remittance of collected revenue.

Chairman: Honourable members I now propose the question which is that the bill be amended by inserting the arrangement of clauses as proposed. Is there any contribution on the same?I now put the question which is that the bill be amended by inserting the arrangement of clauses as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. I now put the question which is that the bill be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause without amendments. Clause 7

Hon. Anthony Muthui: Clause 7 as printed be part of the Bill.

Chairman: Honourable members I propose the question which is that Clause 7 as printed be part of the Bill. Any contribution?

Hon. Nyamai: Mr Chair I am saying this; instead of saying let it be part of the bill, let it be read so that I can participate. I have a lot to participate on this bill and I want to contribute today. I am not going to walk out.

Chairman: Honourable Nyamai I hear your sentiments but clause 7 of this bill is something that has already been circulated long time ago to all members. I understand you situation, I feel you because I know what you are saying but this is something that has been supplied. House procedures do not allow us to read the contents of the clause. I beg to continue honourable Nyamai.

I now put the question which is that that Clause 7 as printed be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clauses with amendments. Clause 2.

Hon. Anthony Muthui: THAT, amend Clause 2 by inserting the word the in between the words “of and Act”

Chairman: Honourable members I propose the question which is that amend Clause 2 by inserting the word the in between the words “of and Act”. Any contribution members?

(Silence)

Chairman: I now put the question which is that amend Clause 2 by inserting the word the in between the words “of and Act”.

*As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!*

(Silence)

Chairman: The Ayes have it. I now put the question that clause 2 as amended be part of the bill.

*As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!*

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 3

Hon. Anthony Muthui: THAT, amend Clause 3 by deleting the word “new” placed in the first sentence of sub clause 3(1) immediately before the word “charges”

Chairman: Honourable members I now propose the question which is that clause 3 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 3 be amended as proposed.

*As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!*

(Silence)

Chairman: The Ayes have it. I now put the question that clause 3 as amended be part of the bill.

As many as are of that opinion say Ayes!
The Members: Ayes!
As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 4

Hon. Anthony Muthui: **THAT, amend Clause 4 by deleting the word “new” placed in the third sentence of sub clause 4(2) immediately before the word “charges”**

Chairman: Honourable members I now propose the question which is that clause 3 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 4 be amended as proposed.

As many as are of that opinion say Ayes!
The Members: Ayes!
As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. I now put the question that clause 4 as amended be part of the bill.

As many as are of that opinion say Ayes!
The Members: Ayes!
As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 5

Hon. Anthony Muthui: **THAT, amend Clause 5 by replacing the word “financial” placed in the first line of sub clause 5(1) with word finance.**

Chairman: Honourable members I now propose the question which is that clause 5 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 5 be amended as proposed.

As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!

(Silence)

Chairman: The Ayes have it. I now put the question that clause 5 as amended be part of the bill.

As many as are of that opinion say Ayes!
The Members: Ayes!
As many as are of the contrary opinion say
Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 6

Hon. Anthony Muthui: THAT, amend Clause 6 by inserting the words Article 210 of in between the words “to and the” in the third sentence of Sub clause 6 (3).

Chairman: Honourable members I now propose the question which is that clause 6 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 6 be amended as proposed.

As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!

(Silence)

Chairman: The Ayes have it. I now put the question that clause 6 as amended be part of the bill.

As many as are of that opinion say Ayes!
The Members:Ayes!
As many as are of the contrary opinion say
Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 8

Hon. Anthony Muthui: THAT, amend Clause 8 by inserting the words Article 210 of in between the words “to and the” in the third sentence of Sub clause 8 (2).

Chairman: Honourable members I now propose the question which is that clause 8 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 8 be amended as proposed.

As many as are of that opinion say Ayes!

The Members:Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. I now put the question that clause 8 as amended be part of the bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Clause 9

Hon. Anthony Muthui: THAT, amend Clause 9 by inserting the word modern in between the words “of and technology” in sub clause 9(1) paragraph (a).

Chairman: Honourable members I now propose the question which is that clause 9 be amended as proposed. Any contribution?

(Silence)

Chairman: I now put the question which is that clause 9 be amended as proposed.

As many as are of that opinion say Ayes!

The Members:Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. I now put the question that clause 9 as amended be part of the bill.

As many as are of that opinion say Ayes!

The Members:Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The Ayes have it. Next.

Clerk: Schedule.

Hon. Anthony Muthui: Mr chairman I wish to move THAT, amend the following columns of the Schedule by changing the taxes, fees and charges set therein as follows:- **before I read Mr chairman, I want to.....do I read the whole schedule Mr chairman?**

Chairman: Yes read through the schedule.

Hon. Anthony Muthui: Thank you very much Mr Chairman. Honourable members we are going through the schedule. It has various columns, the first column is on brims code, the second column is on categories of business then the third column is on Base value/ unit of measure, the fourth one is Kitui and Mwingi towns, the fifth on is all sub county headquarters, the next one is emerging towns and he last one is all other towns.

The schedule is divided into two. The first line is what the bill is proposing then the bolded figures below it are the proposals of the committee. The schedule is as follows:

| Brim s code | Categories of business | Base value/ unit of measure | Kitui/ Mwingi towns | Sub countie s h/q | Emerging towns | Other towns |
|-------------|---|-----------------------------|---------------------|-------------------|----------------|-------------|
| 56 | Bookshops | | 15000 | 10000 | 10000 | 5000 |
| | Replace with | | 7500 | 5000 | 5000 | 3000 |
| 71 | Boutiques | | 10000 | 5000 | 5000 | - |
| | Replace with | | 7000 | 4000 | 4000 | |
| 72 | Beauty shops | | 10000 | 5000 | 5000 | - |
| | Replace with | | 7000 | 4000 | 4000 | |
| 221 | Miraa/Kangeta/Muguuka(Khat)transporters | | 10000 | 10000 | 10000 | 10000 |

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| | | | | | | |
|-----|--|---|--------|--------|--------|-------|
| | Replace with | | 20000 | 20000 | 20000 | 20000 |
| 225 | Honey dealers | | 5000 | 5000 | 5000 | 5000 |
| | Replace with | | 3000 | 3000 | 3000 | 3000 |
| 314 | Filling station with over 6 pumps | | - | 30000 | 30000 | - |
| | Replace with | | 25000 | 20000 | 20000 | |
| 315 | Filling station with 3 to 6 pumps | | - | - | - | - |
| | Replace with | | 20000 | | | |
| 316 | Filling station with less than 3 pumps | | - | - | - | - |
| | Replace with | | 15000 | | | |
| 501 | Lodging house and Hotel with over 100 rooms | | 120000 | 100000 | 100000 | 80000 |
| | Replace with | | 100000 | 40000 | 40000 | 40000 |
| 502 | Lodging house and Hotel from 41 to 100 rooms | | 100000 | 80000 | 80000 | 60000 |
| | Replace with | | 50000 | 35000 | 35000 | 20000 |
| 503 | Lodging house and Hotel up to 15 to 40 rooms | | - | 40000 | 40000 | 30000 |
| | Replace with | | 30000 | 25000 | 25000 | 20000 |
| 504 | Lodging house and Hotel below 15 rooms | | 40000 | 30000 | 30000 | 20000 |
| | Replace with | | 25000 | 20000 | 20000 | 15000 |
| 645 | Bank agents, M-pesa and Airtel money | | 5000 | - | - | - |
| | Replace with | | 3000 | - | - | - |
| 651 | Mpesa only | - | - | - | - | - |
| | Replace with - money transfer dealers | | | | | |
| 740 | Health clinic; doctors surgery, dentist, physiotherapist, psychologist etc consultancy offices without overnight | | 5000 | 4000 | 4000 | 3000 |

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| | | | | | | |
|-----|--|-------------|----------------|---------------|---------------|--------------|
| | accommodation Replace with | | 10000 8000 | 8000 8000 | 8000 5000 | 5000 |
| 755 | Funeral homes with capacity of 10 and below bodies Replace with | | 2500 5000 | 2000 5000 | 2000 5000 | 1000 4000 |
| 760 | Traditional health services, herbalist, traditional healer Replace with | | 10000 15000 | 8000 10000 | 8000 10000 | 6000 8000 |
| 1 | BARTER MARKET FEES | | | | | |
| | Tomatoes Replace with | Crate - big | 40 30 | 30 20 | 30 20 | 30 20 |
| 2 | GREEN VEGETABLES | | | | | |
| | Cabbages Replace with | 90 kg sack | 80 60 | 60 40 | 60 40 | 40 30 |
| | potatoes Replace with | 90 kg sack | 80 60 | 70 50 | 70 50 | 70 50 |
| | potatoes Replace with | 20 kg debe | 30 20 | 30 20 | 30 20 | 30 20 |
| | Bananas - unripe Replace with | Per bunch | 30 20 | 30 20 | 30 20 | 30 20 |
| | Sukuma wiki Replace with | 90 kg sack | 70 50 | 70 50 | 70 50 | 30 20 |
| | Spinach | 90 kg sack | 80 | - | - | 60 |

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| | | | | | | |
|----|---|--------------|-------|-------|-------|-------|
| | Replace with | | 60 | | | 50 |
| 13 | Miraa delivery charge | Per trip | 2000 | 2000 | 2000 | 2000 |
| | Replace with | per Vehicle | 5000 | 5000 | 5000 | 5000 |
| 14 | Miraa hawkers | Per day | 60 | 60 | 60 | 60 |
| | Replace with | | 100 | 100 | 100 | 100 |
| 25 | Registration to transport charcoal - permit | Per vehicle | 5000 | 5000 | 5000 | 5000 |
| | Replace with | -per year | 10000 | 10000 | 10000 | 10000 |
| 32 | Sand cess per trip | Up to 3 tons | 2500 | 3000 | 3000 | 3000 |
| | Replace with | | 5000 | 5000 | 5000 | 5000 |
| | Sand cess per trip | Up to 7 tons | 4000 | 7000 | 7000 | 7000 |
| | Replace with | | 10000 | 10000 | 10000 | 10000 |
| | Sand cess per trip | Over 7 tons | 5000 | 10000 | 10000 | 10000 |
| | Replace with | | 15000 | 15000 | 15000 | 15000 |
| | Sand cess per trip | Semi-trailer | 10000 | - | - | - |
| | Replace with | | 30000 | | | |
| 33 | Mineral cess eg. Iron, coal, limestone, marble, copper, graphite, granites, gypsum and other minerals | Per trip | 3000 | 3000 | 3000 | 10000 |
| | Replace with | | 15000 | 15000 | 15000 | 15000 |

Hon Antony Muthui: Mr Chairman that brings us to the end of the schedule.

Chairman: Thank you chairman, I now want to propose the question which is that the schedule be amended as proposed. Honourable members, any contribution on the schedule?

Hon. Peter Kilonzo: Thank you honourable chair. Pursuant to standing order No. 51, I wish to move an amendment on item number 32 for sand cess per trip. In the original bill where it says within the county, local up to 3 tons, the original bill proposes 1000. I move an amendment to make it 300 per trip. And where it says

within the county local over 3 tons, 2000 flat, I move an amendment to 1000 per trip over 3 tons. I request honourable member for Ikutha to second the amendment.

Hon. Hussein Mwandia: I second the amendment Mr chair.

Hon. Nzungi Ngwele: Honourable chairman before we can consider that amendment, I want to draw your attention to the provisions of standing order No. 52(1) that amendments should be in writing and proposals to an amendment shall be handed in writing, signed by the proposer to the clerk at least 2 hours before the order is read. Mr Chairman I would seek your kind guidance to the house whether that amendment has been presented to the clerk in writing and in the appropriate timing. The reason why I request this is because this is a bill on money. It is not just any other bill and all the items that are in this bill have been researched by the county revenue department and confirmed by the committee. Any amendments that we make here have huge far reaching implications on the capacity of this county to raise money to be able to meet services and also on the business environment outside there Mr Chair. So if you could kindly confirm whether that amendment was supplied in good time and why it was not distributed to the other members of the house. Thank you.

Hon. Peter Kilonzo: Mr Chair we really want everyone to have his own microphone. You can see what chairman is doing to me. Mr chair yes, maybe you rule on that. It is written, it is just something I skipped instead of placing the amendment there. But it is here, approved and was submitted within time. Only to remind honourable Ngwele. In this house there is no one bigger than the other, who can move an amendment on the floor writing on their knees and others who should do it in 24hours. Remind honourable Ngwele that. Thank you Mr Chair.

Chairman: Which standing order is that honourable Ngwele?

Hon. Nzungi Ngwele: standing order No. 52(1). It is very clear that amendments need to be supplied within 2 hours. As you consider to give your ruling on this honourable chair, it is not about me but about the rules of the house. So where the name of honourable Ngwele comes in as the honourable member is trying to allege is neither here or there, it is about the rules and we should abide by the rules of the house not to the rules of the individuals.

Hon. Titus Kasinga: Mr Chairman, irrespective of the standing orders, we know the house also deals with precedents. I want to repeat it again. It is not even in the abattoirs bill. Even in the other bills we have dealt with, amendments have been moved on the floor when the bill is being debated. The honourable chair for education who is a very, very important member in the budget committee is reminding this committee every now and then that this is a money bill. We are aware of that Mr chair, but it **doesn't make the other bills lesser in whichever way. I want to acknowledge the fact** that the bill is very important, but as we have said the rules are relaxed, let the members of the committee also allow us to have relaxed rules and contribute for posterity. Thank you Mr Chairman.

Hon. James Munuve: Thank you chairman, I want to draw to your attention that there is a committee recommendation which after perusal, it is not captured in that report. Since we have the members of the budget here, I think they are going to support me on issue of registration of schools, we recommended especially the public **institutions.....**

Chairman: Honourable Munuve we have not disposed of what honourable Kilonzo had raised. We want to dispose of it first.

Hon. James Munuve: Thank you for your guidance.

(Hon. Munyasya Bernard stood up in his place)

Chairman: Is it on a different issue or the same one we are discussing?

Hon. Bernard Munyasya: Almost the same. I wanted to support what honourable Kilonzo and digress a bit. Mr Chairman, I have an issue on page 13 where we have barter market fees. The committee has moved some amendments here.

Chairman: Are you on Athi issue?

Hon. Bernard Munyasya: Yeah. The committee has moved some amendments which honourable Kilonzo **was disputing. I am concerned.....**

Chairman: We are dealing with this first and then you can bring your concern thereafter.

Hon. Bernard Munyasya: Okay.

Chairman: I want to make a ruling on the issue of Kilonzo.

(Consultations)

Chairman: Honourable Kilonzo, looking at the standing order whereby you are moving an amendment under the standing order No.51, I direct that if you could make a request under the standing order No. 126(3), so that we can be able to allow you to move.

(Hon. Kilonzo proceeded to the podium for more consultations)

Chairman: Honourable members I want to bring to your attention in accordance to what honourable Kilonzo want to bring to this house. We are dealing with it under standing order No.126 where we are dealing with the procedure of the committee of the whole house on a bill. So I am directing the honourable member from Athi to move his amendment under this standing order 126 (3) instead of 151.

Hon. Peter Kilonzo: Thank you chair for that direction and your wisdom on this matter. I apologise to the entire honourable house and now I wish to move this amendment pursuant to standing order No. 126(3) that we amend item No. 32 about sand cess per trip, and in particular where within the county local up to 3 tons, the original bill proposes 1000. I move an amendment to make it 300 per trip. And where it says within the county local over 3 tons, 2000 flat, I move an amendment to 1000 per trip over 3 tons. I beg the honourable member as well to second.

(Hon. Mwandia bows to second the amendment)

Chairman: Yes honourable member, table that amendment.

(Hon. Kilonzo places the amendment on the table)

Chairman: Now honourable members, I wish to propose the question which is THAT, the schedule be further amended as proposed under the standing order No. 126 (3). Any contribution to this?

(Hon. Munyasya rises)

Chairman: Yes honourable member for Mwingi Central.

Hon. Bernard Munyasya: Thank you Mr Chairman. I rise to oppose that amendment on the grounds that the proposed rates are too low Mr Chairman.

Chairman: Okay. Any other contribution?

(Hon. Ngwele stood up in his place)

Chairman: Hon member for Ngomeni.

Hon. Nzungi Ngwele: Thank you chair. I oppose the motion to amend with two reasons. One is for the same issue of rules. Part 2 of 126 says that notices for such amendment should be given at least 24 hours before. We are not getting that notice in 24 hours and is really upon us as a house to decide whether we want to abide by our rules or throw them out through the window and I know it has been alleged here that in a previous discussion that I was allowed to move amendment on the floor. That happened because the chair for committee of agriculture had been allowed himself to sneak in amendments that were not published and now that is being quoted as a practice to should carry forward. Mr Chairman.....

(Hon. Titus Kasinga rose on a point of order)

The Chairman: Honourable member for Mumoni, what is your point of order?

Hon. Titus Kasinga: Mr Chair I take great exception to my colleague's allegations that I was allowed to sneak in an amendment during the abattoirs bill in the committee stage of the bill. I wish to confirm to this committee that, that amendment was submitted to the office of the speaker and the Clerk two hours prior to the **committee's deliberations. Mr Chairman Sir, is the honourable member in order to mislead this committee that I sneaked in an amendment to the abattoirs Bill.**

The Chairman: You wish to continue honourable member for Ngomeni?

Hon. Nzungi Ngwele: Yeah, the point of order is put to me and honourable chair, it is on record that particularly the addition of section 49 to the abattoirs bill, was moved here. It was not published in the original report of the committee. It is in public notice I am not misleading the house honourable Chair. My second point for **opposing this amendment is that really charging a ton of sand 300 shillings.....**

(Hon. Titus Kasinga rose on a point of order again)

Hon. Titus Kasinga: Mr Chairman Sir, the amendment was not moved by the committee. The amendment was moved by one honourable Mwandia who is a friend to the committee. So it is not the committee that was introducing the amendment. I still pose a question to you Mr Chairman, is the honourable member in order to mislead this house? Indeed he is lying to the house, the committee never moved any amendment. The amendment was moved by honourable Mwandia. That is my bone of contention. So, is he in Order?

The Chairman: Go on honourable member.

Hon. Nzungi Ngwele: Yeah honourable **chair you know really I don't want to use** this to bring a fight between myself and the honourable Chair for Agriculture. The record is there it speaks for itself, my second reason for opposing that amendment honourable chair, is that really charging a ton of sand even if is for local construction 300 shillings is ridiculous. Honourable chair we have contractors that are being given work by the County Government and paid huge sums of money to construct

classrooms to construct drifts, really you want to tell us that a contractor is going to be paid 700,000 to construct a classroom and pay the County Government only 300 shillings for a ton of sand? Where do you want us to get money to provide services from? Honourable Chair I oppose that amendment.

The Chairman: Okay the debate is on, on this issue you are free to contribute and then I will be able to put the question

Hon. Titus Kasinga. Mr chairman I wish to protest on one point, that I have asked you whether the honourable member who has been contributing is in order because he has spoken on the basis of the floor on this bill on issues/matters touching on another bill and he has made severe and serious allegations that we introduced and I as the Chair introduced an amendment here. I have asked twice whether he is in order, you have not ruled on that Mr Chair. I would want you to rule on that, otherwise **you letting him to get away.....**

Chairman: I ruled he is out of order? Honourable member for Athi go on.

Hon. Peter Kilonzo: Thank you chair. I want to support my amendment to this bill. Mr Chair, it has been like a business of backing forth from the one honourable Chair for education. A member who is known to move amendments even when we are at it, not even the 24 hours or two hours he has mentioned. He is very good in moving amendments anytime and he has been allowed to get away with it in this house Mr Chair.....

(Hon.Ngwele rose on a point of order)

Chairman: What is your point of order honourable member for Ngomeni?

Hon. Nzungi Ngwele: Honourable Chair, is it in order for the honourable member to purport to discuss my personality without moving a substantive motion because the rules are very clear that if you want to discuss any member in this house, you have to move a substantive motion?

Chairman: Honourable member for Athi you are out of order. Continue please

Hon. Peter Kilonzo: What am trying to say he has heard it, and Mr Chairman **this is what I am saying.....**

(Hon. Kinyala rose on a point of order)

Chairman: What is your point of order please?

Hon. Mwove Kinyala: Thank you chairman. Is it in order for the honourable who **is on the floor to continue saying that he has heard what he wanted to say and yet....**

Chairman: **Honourable member for Athi (Peter Kilonzo) don't make reference on** that issue. I have ruled on that. Continue with what you were saying.

Hon. Peter Kilonzo: Thank you. No wonder the bible says they have ears and **they don't hear.**

Chairman: Order! Order!

Hon.Peter Kilonzo: Honourable Chair that is the bible and they have eyes but **they don't see. Mr Chairman I am not moving an amendment to charge a ton of sand at 300.** Let the honourable member understand what I have moved. The bill suggests up to 3 tons. So, a *debe* is there, a *debe* of sand. A wheelbarrow is in there. So if there is any place he is reading one ton, then they should stand as a committee to amend the **entire Bill to read "in tonnage". I have amended where it says, "up to", and Mr Chair, I want it to be very clear to you, I don't know which river passes through Ngomeni but I mentioned Tiva river and I said it is my personality which is going to be discussed**

tomorrow when people are trespassing there going to build their houses. I am not talking about contractors and by the way, I don't think whether Athi is supplying any contractors here or whatever, I don't know. He can maybe provide a list to show those suppliers, the name of contractor who are not paying the County Government the much they are supposed to pay. I am concerned about the Nduku (locals) who is not able to be in the list of contractors. Him, he is presenting contractors, I am representing Nduku, Mutua and Mwikya those are the people am representing.

(Hon. Munuve stood up in his place)

Chairman: What is it honourable member for Kanziku?

Hon. James Munuve: I just want to inform honourable Kilonzo that in this Bill **we don't discuss about donkeys, debes, and the like.** We are concerned with only vehicles. Issues concerning sand only on vehicles. So, the *Wanjikus, debes* and donkeys are taken care of. Actually for them it is free. Thank you Mr Chairman.

Hon. Peter Kilonzo: **I don't know where that one is explained. It is only showing** per trip. A trip can be made of a wheelbarrow, a *debe*, a donkey, a trailer and even a hand pot is a trip. Mr Chair, those who are saying it is cheap, I can see what they are trying to say. The bill had shown that in towns, sand was to be charged 2500 shillings **while in other towns it was charging 3000. Mr Chair, I don't understand that kind of** discrimination. And it is the same thing I am getting from the honourable members **who are representing towns they still say they can't understand what 300 shows** Mr Chair. I want to say that wanjiku is comfortable to pay 300 utmost.

Hon. Anthony Muthui: Mr Chairman just before you put the question; I want to correct some perception on this bill. The figure we are talking about as honourable Munuve was clarifying, is in terms of vehicles. Up to 3 tons, over 3 tons and above. So what the honourable member from Athi should know is that these are charges for transport on vehicles. If he really wants to take care of those categories of people he is talking about, it is clearly stated that this is for vehicles transport. We know very well that those who use sand for construction are people with money. And if they are poor people Mr Chairman, there are other methods of collecting sand from the river. They use wheelbarrows, donkeys, e.t.c. what I am saying Mr Chairman, there is a catch here on these transporters. We have experienced that a number of them are scoping sand **from the river.....**

Hon. Peter Kilonzo: *(On a point of order)* Is the honourable member in order to **continue justifying that we can't have a ton when we go handful. That tons can only be** measured using vehicles? Is he not misleading this house?

Hon. Anthony Muthui: Mr Chairman I think the honourable member has not read the bill. Page 18 of the Bill you are talking about, that category is brim number 32. The category of business is sand cess per trip. Then it goes further to explain vehicles. We are talking about vehicles Mr Chairman.

Chairman: I think this issue is taking too long. I will now put the question which is that the schedule be further amended as proposed under the standing order No. 126 (3).

As many as are of that opinion say Ayes!

Minority of the Members: Ayes!

As many as are of the contrary opinion say Nay!

Majority of the Members: Nay!

Chairman: The Nays have it. We are still debating on the schedule. We have disposed of the proposed amendment by honourable Kilonzo. Is there any other member who wants to make any contribution on this schedule?

(Hon. Munuve rises)

Chairman: Hon member for Kanziku.

Hon. James Munuve: Thank you chairman. As I had earlier raised a concern, there is an omission which was done I think by the clerk, supposed to be in the **committee's recommendation. It touches on the registration of schools and I need your guidance on the same. The committee had.....**

Hon. Peter Kilonzo: *(On a point of order)*. Mr Chair, is the honourable member for Kanziku in order to want to sneak in a clause which the chairman is not even aware of in this house?

Chairman: You are out of order. The honourable member is seeking guidance from the chair.

Hon. James Munuve: Thank you chairman for your protection and also for **guiding honourable peter Kilonzo. I know he is not happy since.....**

Hon. Hussein Mwandia: *(on a point of order)* is it in order for an honourable house to continue legislating and break law at the same time Mr Chairman since these are clauses which are being sneaked out by these honourable members Mr chair, I think what we should be amending is **what is only what is the original copy....**

Chairman: Order! The honourable member has stood to ask for guidance. He has not proposed anything he is only seeking for guidance and you have not even been humble enough to hear what the chairman has got to say about the same. Proceed honourable member for Kanziku.

Hon. James Munuve: Thank you chairman. I need your guidance on the same because the clerk omitted a very important recommendation by the committee on registration of public institutions. The committee recommended public nursery, primary and secondary schools that the application be 3000 shillings across the board. That was our recommendation and I can see the chairman of the committee on budget concurring with the same. Thank you.

Chairman: I want to make a ruling on what the honourable member for Kanziku is asking. With all due respect honourable member for Kanziku, since it is not in this bill which we are discussing, we cannot be able to insert it here but we can ask the minister who has the powers to wave so that he can be able to deal with it please.

Hon. Titus Kasinga: Now Mr Chair we were afraid that you will be able to rule on that without our contribution. If I have listened to the honourable member clearly, it is something they were concurring **with the chair that it had been left out....**

Hon. Hussein Mwandia: *(on a point of order)*. Mr Chairman, in your considered opinion, is it in order, after making a ruling to allow honourable members to deliberate on the same.

Chairman: I hear you honourable member for Ikutha and I rule him out of order. Do we have any other member who wants to contribute on the schedule?

Hon. Bernard Munyasya: Thank you Mr Chairman. Mine is a different issue. While looking at some of the amendments which have been proposed by the committee, amendment No. 14 page 103.

Chairman: On what?

Hon. Bernard Munyasya: Miraa hawkers. I just wanted to give an example of 14 where they have proposed Miraa hawkers to be paying 100 shillings per day. In barter market, we have hawkers who do not buy crates or sacks. They just buy small quantities and they pay their fees on daily basis.

Chairman: Are you trying to move an amendment or what?

Hon. Bernard Munyasya: Yeah.

Chairman: At this time? Honourable member for Mwingi central, when did you receive this bill.

Hon. Bernard Munyasya: But Mr Chairman you had directed that we can make some amendments.

Chairman: Its only contributions not amendments. Honourable members I will put the question on the schedule. It is taking too long. The honourable member for Mwingi central wants to take this house through an amendment on an item in this schedule which is not possible. I will put the question.

Hon. Bernard Munyasya: Mr Chairman I am contributing, I am not moving an amendment.

Chairman: Okay, make your contribution please.

Hon. Bernard Munyasya: I was saying, there are some people who do not buy crates or sacks so they should have their charges on daily basis which is not captured.

Chairman: Can I ask the chairman to respond so that we can move forward. Chairman respond on item No. 14 dealing with Miraa.

Hon. Anthony Muthui: Mr Chairman the issue of Miraa brought a lot of issues when we went out for public participation. In fact, members of the public were asking us to put a total ban on Miraa, but we told them even the national Government has been trying to do the same but has not succeeded. Therefore, we agreed that, since we are not able to put a total ban on Miraa, we proposed that we increase taxes on Miraa so that we can discourage consumption of Miraa which is harmful stuff. When we met as a committee to consider those views Mr Chairman, we considered the views of the public and proposed these amendments. So we proposed that Miraa trading be categorized into transporters; there are those people who are doing transportation of Miraa, their work is to provide transport to go where Miraa is grown i.e. Meru and other parts and they bring it to our County to sell. So we put cess on that so that when they are bringing Miraa at the boundary they are charged some money. Then when Miraa comes here there are those who sell it in wholesale, retailers and the hawkers. We have put different taxes to all those categories Mr chairman.

Chairman: I think I should now put the question because we are running out of time.

(Hon. Munyasya stood up again)

Hon. Bernard Munyasya: I want the chairman of budget to respond, I agree with him on what you have of Miraa 100%. I want him to go to the original bill page 13, where we have barter market and we have hawkers who do not buy these commodities like tomatoes in crates, or mangoes in kilos. They just hawk them within the town, what is their rate per day? It is not captured.

Chairman: **chairman (budget) dispose of that thing because we don't have time.**

Hon. Antony Muthui: First and foremost Mr Chairman, I want to correct the honourable member. We cannot equate Miraa with tomatoes and bananas, Miraa is like a drink. It is a luxury, you cannot equate it with tomatoes. Secondly, those women

you're talking about who hawk tomatoes and the rest Mr Chairman, that is not allowed, it is provided for in this bill. Those commodities are supposed to be sold at the market. If you find them on the streets, that is an issue with the enforcement. Kitui town, just like Nairobi, Mombasa and any other town, we are not supposed to allow people to go selling tomatoes and vegetables just along the roads, they should go to **the market and sell. That's why this bill is putting charges on the barter trade at the market not on the streets.**

Chairman: Okay. Thank you chairman. Honourable members allow me to put the question please, which is THAT the schedule be amended as proposed.

As many as are of that opinion say Ayes!

The Majority: Ayes!

As many as are of the contrary opinion say Nay!

The Minority: Nay!

Chairman: I think the AYES have it. I now want to put the question which is THAT the schedule as amended be the schedule to the bill.

As many as are of that opinion say Ayes!

The Majority: Ayes!

As many as are of the contrary opinion say Nay!

The Minority: Nay!

Chairman: I think the AYES have it. Next

Clerk: The long title.

Hon. Antony Muthui: Mr Chairman I wish to move that the long title be the title to the bill.

Chairman: Honourable members I propose the question which is that the long title be the title to the bill.

(Silence)

Chairman: Honourable members I now want to put a question which is THAT the long title be the title to the Bill.

As many as are of that opinion say Ayes!

The Majority of the members: Ayes!

As many as are of the contrary opinion say Nay!

The Minority of the members: Nay!

Chairman: I think the AYES have it. Next

Clerk: Clause 1

Hon. Antony Muthui: Mr Chairman I wish to move that clause 1 as printed be part of the bill.

Chairman: honourable members I want to propose the question which is THAT clause 1 as printed be part of the bill.

(Silence)

Chairman: Honourable members I now want to put a question which is that clause 1 as printed be part of the bill.

As many as are of that opinion say Ayes!

Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The AYES have it. Chairman

Hon. Antony Muthui: Mr Chairman I wish to move that the committee do report **it's consideration of the Kitui County Finance Bill, 2014** (Assembly Bill No.13, 2014) and its approval thereof with amendments. Thank you.

Chairman: Honourable members I now want to put a question which is that the **committee do report it's consideration of the Kitui County Finance Bill, 2014** (Assembly Bill No.13, 2014) and its approval thereof with amendments.

As many as are of that opinion say Ayes!

Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

Chairman: The AYES have it.

*{The Members rise in their places and the Mace is placed back in the upper bracket as the temporary Speaker hon. Stephen Kithuka-a member of the **speaker's panel** returns to the Chamber}*

The Speaker (Hon. Stephen Kithuka): Next Order.

The County Assembly Clerk: Order Number 10, report of the committee of the whole assembly to the plenary. Chairperson, committee of the whole county assembly.

Chairman (Hon. Felix Kinuva): Honourable Speaker, Sir I wish to report, THAT, the committee of the Whole County Assembly has considered the Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014) and approved the same with amendments. Thank you.

The Speaker: Next order.

The County Assembly Clerk: Order Number 11, motion. Chairperson, budget and appropriation.

Hon. Antony Muthui: Mr. Speaker Sir, I wish to move, THAT, the house do agree with the committee in the said report.

The Speaker: Honourable members, I propose the question THAT, the house do agree with the committee in the said report.

(Hon. Kilonzo stood up in his place)

Hon. Peter Kilonzo: Thank you Mr Speaker. I wish to air my views about the finance Bill and my feeling for the people of Athi, and for this particular time it goes **on record that the chair of chairs and the committee of chairmen has....**

The Speaker: Order. Who is the chair of chairs in this honourable house?

Hon. Peter Kilonzo: The honourable member from Matinyani Mr Speaker.

The Speaker: you need to withdraw that. He is not the chair of chairs.

Hon. Peter Kilonzo: Thank you Mr Speaker. I withdraw. I was just bringing to the attention that I felt some conspiracy from the several chairmen who form the committee and they brought their muscles which was very good and I referred to him as the chair of chairs. I withdraw. Mr Speaker, it is a sad and a dark day for the people of Athi. I have to move with speed, one, the cess stations, I will rush from here and meet with the guy in charge of collection so that those cess stations are removed from the centre of my ward because the people of Athi have lost as far as the issue of sand **is concerned. I will not forget Mr Speaker.....**

The Speaker: Before you continue honourable member, I wish to draw your attention to standing orders No.129 (2) which does not allow for debate at this juncture because you were free to make your contributions at the committee of the whole house. Unless you want to delete or amend any provision contained in the Bill. Kindly let us go by the standing orders.

Hon. Peter Kilonzo: Thank you Mr Speaker. I think it has gone into record that the people of Athi have lost today in the finance Bill. Thank you.

The Speaker: Honourable members, I will now put the question THAT, the house do agree with the committee in the said report.

As many as are of that opinion say Ayes!

Majority of the members: Ayes!

As many as are of the contrary opinion say Nay!

Some members: Nay!

The Speaker: The Ayes have it. Next order.

The County Assembly Clerk: Order Number 11, the Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014) Third Reading.

Hon. Antony Muthui: Mr. Speaker Sir, I wish to move, THAT, the Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014), be now read a Third Time.

The Speaker: Honourable members I will propose the question which is that the Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014), be now read a Third Time.

(Silence)

The Speaker: I will now put the question which is that the Kitui County Finance Bill, 2014 (Assembly Bill No.13, 2014), be now read a Third Time.

As many as are of that opinion say Ayes!

Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Speaker: The AYES have it.

The County Assembly Clerk: Third Reading; the Kitui county finance bill, 2014 a bill for; an Act of the Kitui County assembly to provide for the various taxes, rates, fees and charges for goods, stock and services, and for other revenue raising measures by the county government; and for matters incidental thereto.

The Speaker: Honourable members the Bill is now an Act of the assembly and only awaits the assent of the Governor. I will allow the chair three minutes to reply.

Hon. Antony Muthui: Thank you very much Mr. Speaker Sir for giving me this opportunity to respond to this Bill. Mr Speaker I want to sincerely thank the honourable members of Kitui county assembly for passing this very important Bill. This is the bill the people of Kitui County have been waiting for. The bill is going to enable the county government of Kitui to collect over 700 million Kenya shillings to continue to provide services to the citizens. I want to thank the honourable members for finding it necessary to approve this Bill with the amendments that the committee proposed.

It took us a lot of time to listen to members of the public before arriving at the proposals that we tabled in this assembly and we want to thank the honourable members for respecting the views of the people who elected us. The people who sent us to come here to this assembly and represent them. This Bill reflects their views. We did not exaggerate neither did we underrate anything. So we put all the views and the memoranda that we received from the members of the public into consideration. Mine Mr Speaker is to say thank you very much. I want to thank even the speaker for giving us the opportunity. This is the first Bill which was committed to five centres, the public participation on the last Bill was conducted in three centres. This year we have listened to the people from five centres.

I want to appreciate that the speaker and the clerk have been able to guide the committee and the assembly. They gave us a lot of support when we were collecting views from the members of the public and even when we sought permission to go and prepare the report, the speaker of the assembly and the clerk really supported us.

The staff also supported us very much I remember the clerks who went with us to write the report. I think they spent two nights without going to bed because we were writing this up to late hours. So I want to sincerely thank them for that effort. Today I will sleep a happy man knowing that the bill that we have approved is going to raise over 700 million for this county. With that Mr Speaker the executive will be able to do at least 3 or 4 dams in each ward. Thank you very much.

The Speaker: Thank you Mr Chairman. As it was said earlier, this is one of the best finance bill that we have ever had and we want to thank the committee and the whole house for your contributions. I can see you have been very passionate, the house is almost full which shows your commitment to work. I wish this will continue forever. This brings us to the end of the order paper and I would request we adjourn the house.

(Members rise)

The Speaker: The House now stands adjourned until 2.30 PM in the afternoon. Thank you.

The County Assembly rose at 12.39 pm